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OFFICE OF PETITIONS

In re Application of
Te-Hsiu Tsai et al
Application No. 09/575,890
Filed: May 22, 2000
Attorney Docket No. JCLA 5861

:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: 37 CFR 1.55(c)

This is a decision on the petition, filed April 22, 2003, which is being treated both as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed nonprovisional application (No. 09/414,251) and as a petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) and (f) to a foreign application (Taiwan Application No. 88112204)

The petitions are DISMISSED AS MOOT.

The instant application was filed on May 22, 2000. A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) is only applicable to those applications filed on or after November 29, 2000. See MPEP 1481 and 65 F.R. 57024 (Sept. 20, 2000). Therefore, the petitions are dismissed as involving a moot issue.

In view of the above, the \$1,300 surcharge fee submitted is unnecessary and therefore refundable. Petitioner may request a refund of the \$1,300 petition fee submitted by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Any inquiries concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

This application is being returned to Technology Center AU 2674 for appropriate action on the supplemental amendment filed May 27, 2003 and to await a reply to the non-final Office action mailed April 9, 2003. Failure to timely reply thereto will result in the abandonment of this application.

Frances Hicks
Frances Hicks
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy